

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Clarke and Rebecca Wixon and Norman and
Barbara Wixon,

CASE NO. C 07-02361 JSW

Plaintiff(s),

v.

Trendwest Resorts, Inc. (a/k/a Worldmark by
Wyndham, et al.,

STIPULATION AND ~~[PROPOSED]~~
ORDER SELECTING ADR PROCESS

Defendant(s).

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

Non-binding Arbitration (ADR L.R. 4)

Early Neutral Evaluation (ENE) (ADR L.R. 5)

✓ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

✓ Private ADR (please identify process and provider) Plaintiffs intend to move to

amend their complaint and Defendants have reserved their rights with respect to such a motion. The provider and date for mediation are currently being discussed and should be finalized following any amended pleadings and prior to the 10/12/07 case management conference.

The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

✓ other requested deadline The parties are conferring, please see above.

Dated: 8/6/07


Attorney for Plaintiff

Dated: 8/7/07


Attorney for Defendant

~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration

Early Neutral Evaluation (ENE)

✓ Mediation

Private ADR

Deadline for ADR session

90 days from the date of this order.

✓ other To be agreed upon by the parties following the filing, if any, of an amended complaint by plaintiffs.

IT IS SO ORDERED.

Dated: August 7, 2007


UNITED STATES MAGISTRATE JUDGE